

Notice of Allowability

Application No.

09/310,740

Examiner

Frank I Choi

Applicant(s)

BROWN ET AL.

Art Unit

1616

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Amendment(1/29/2004).
2. ☒ The allowed claim(s) is/are 37-74, 120-145, 148, 150-153, 156, 158-162, 164, 165, 200-216, 167, 169, 193, 194, 198, 199, 217-234[renumbered as claims 1-118].
3. ☒ The drawings filed on 13 May 1999 are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

8. ☒ AN APPLICATION DATA SHEET must be submitted. Note the attached Examiner's Amendment which gives reasons for the same.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date 12/19/2000 (Paper #11a)
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

THURMAN K. PAGE
SUPERVISORY PATENT EXAMINER
ART UNIT 1600

Frank I Choi

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EXAMINER'S AMENDMENT/REASONS FOR ALLOWANCE

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Leonard Mitchard on 4/2/2004 and 4/13/2004.

The application has been amended as follows:

Specification, Pg. 1, after the title but before the first paragraph: insert the following:

-- This application is a continuation of PCT application No. PCT/GB97/03113, filed November 13, 1997. --.

Specification, Abstract, line 1 after heading: delete “, foil”.

Claims 37,56,120,135,162,169,194,198,199,217 line 2 of each: immediately after “the steps of” insert the following:

-- preparing a pharmaceutical product by --.

Claims 148, 156,193,line 3 of each: immediately after “the steps of” insert the following:

-- preparing a pharmaceutical product by --.

Claims 56, 148,162,169, 217, line 2 of each: delete “, foil”.

Claim 213, line 1: delete “claim 102” and insert in place thereof the following:

-- claim 162 --.

Cancel Claims 179, 181,184,186,235-246.

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Examiner notes that as advised that "PCT PCT/GB97/03113 11/13/97" has been stricken from the listing of "Foreign Applications" in the Bib-Data-Sheet as the PCT application was filed more than 12 months before the filing date of the present Application. **Examiner requests that Applicant provide an Application Data Sheet showing said correction within three months of the mailing date of the notice of allowance in order to avoid abandonment.**

Examiner notes, as per Applicant's request, that claims 179, 181, 184, 186, 235-246 are cancelled without prejudice.

The following is an examiner's statement of reasons for allowance: In consideration of the Amendment (1/29/2004) and the Examiner's Amendment above, and in reconsideration of the prior Office Actions and responses thereto, the claimed invention is neither expressly disclosed nor fairly suggested by the prior art. The prior art does not disclose or make obvious intermediate pharmaceutical products or methods of coating of a substrate which is a belt, sheet, film, tape or surface of a conveyor to prepare a pharmaceutical product comprising electrostatically applying a powder and fusing the same to form layer(s) and/or wafer which are divided into portions or dividable into portions and removed or removable from the substrate.

Examiner acknowledges receipt of copy of notification of demand as proof of the pendency of PCT application No. PCT/GB97/03113, filed November 13, 1997, at the time the present application was filed.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

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Conclusion

A facsimile center has been established in Technology Center 1600. The hours of operation are Monday through Friday, 8:45 AM to 4:45 PM. The telecopier number for accessing the facsimile machine is (703) 872-9306.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Frank Choi whose telephone number is (571)272-0610. Examiner maintains a flexible schedule. However, Examiner may generally be reached Monday-Friday, 8:00 am – 5:30 pm (EST), except the first Friday of the each biweek which is Examiner's normally scheduled day off.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's Supervisor, Mr. Thurman Page, can be reached at (571)272-0602. Additionally, Technology Center 1600's Receptionist and Customer Service can be reached at (571) 272-1600.

FIC

April 16, 2004.




THURMAN K. PAGE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 1600